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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,688	08/31/2001	Richard A. Burgin	10017723-1	2115

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LAZARO, DAVID R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/944,688	Applicant(s) BURGIN ET AL.	
	Examiner David Lazaro	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-9 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 03/14/05.
2. Claims 1, 7 and 13 were amended.
3. Claims 4-6, 10-12 and 16 are canceled.
4. Claims 1-3, 7-9 and 13-15 are pending in this office action.

Response to Amendment

5. The objection to claims 1, 7 and 13 are withdrawn.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,014,688 by Venkatraman et al. (Venkatraman). Note: The Venkatraman reference was cited as pertinent art in the office action mailed 12/23/04.
9. With respect to Claim 1, Venkatraman teaches a method for facilitating the ease of handling and exchange of digital images, the method comprising: obtaining a set of multiple digital images, wherein one or more of the images of the set of multiple digital

images have a digital-image format that differs from the digital-image format of one or more of the other images of the set of multiple images (Col. 5 lines 62-67); facilitating selection of images from the set, wherein one or more of the selected images have a digital-image format that differs from the digital-image format of one or more of the other selected images (Col. 6 lines 51-66 and Col. 5 lines 62-67); choosing computer-executable instructions for viewing selected images, wherein the chosen computer-executable instruction facilitates viewing of selected images in each of the differing digital-image formats of the selected images (Col. 6 line 51- Col. 7 line 5 and Col. 3 line 56 - Col. 4 line 12); collecting the selected images into a self-contained album, wherein the album comprises the selected images and the chosen computer-executable instruction for viewing the selected images (Col. 6 line 51- Col. 7 line 5 and Col. 3 line 56 - Col. 4 line 12).

10. With respect to Claim 2, Venkatraman teaches all the limitations of Claim 1 and further teaches transmitting the album over a communication network (Col. 6 line 51- Col. 7 line 5).

11. With respect to Claim 3, Venkatraman teaches all the limitations of Claim 1 and further teaches attaching the album to an email message; transmitting the email message over a communication network (Col. 6 line 51- Col. 7 line 5).

12. With respect to Claim 7, Venkatraman teaches a method for generating a self-contained album of digital images, the method comprising: inserting images into an album, wherein one or more of the inserted images have a digital-image format that differs from the digital-image format of one or more of the other inserted images (Col. 6

lines 51-66 and Col. 5 lines 62-67), choosing computer-executable instructions for viewing inserted images, wherein the chosen computer-executable instruction facilitates viewing of inserted images in each of the differing digital-image formats of the inserted images (Col. 6 line 51- Col. 7 line 5 and Col. 3 line 56 - Col. 4 line 12); inserting the chose computer-executable instructions into the album (Col. 6 line 51- Col. 7 line 5 and Col. 3 line 56 - Col. 4 line 12).

13. With respect to Claim 8, Venkatraman teaches all the limitations of Claim 1 and further teaches transmitting the album over a communication network (Col. 6 line 51- Col. 7 line 5).

14. With respect to Claim 9, Venkatraman teaches all the limitations of Claim 1 and further teaches attaching the album to an email message; transmitting the email message over a communication network (Col. 6 line 51- Col. 7 line 5).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of U.S. Patent 6,035,323 by Narayan et al. (Narayan).

17. With respect to Claim 13, Venkatraman teaches a computer-readable medium having computer-executable instructions that, when executed by a computer, performs

a method for facilitating the ease of handling and exchange of digital images, the method comprising: collecting images into a self-contained album, wherein one or more of the collected images have a digital-image format that differs from the digital-image format of one or more of the other collected images (Col. 6 lines 51-66 and Col. 5 lines 62-67). Venkatraman does not explicitly disclose converting one or more of the collected images into a common digital-image format so that all of the collected images have the same common digital-image format. Narayen teaches converting selected images of an album into a common format in order to facilitate distribution of digital images over a network (Col. 8 lines 38-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method taught by Morag and modify it as indicated by Narayen such that the method further comprises converting the selected images into a common format. One would be motivated to have this as there is need for easily distributing and sharing digital images over a network, such as the internet (Col. 2 lines 27-31 and Col. 8 lines 38-45 of Narayen).

18. With respect to Claim 14, Venkatraman in view of Narayen teaches all the limitations of Claim 13 and further teaches transmitting the album over a communication network (Col. 6 line 51- Col. 7 line 5).

19. With respect to Claim 15, Venkatraman teaches all the limitations of Claim 13 and further teaches attaching the album to an email message; transmitting the email message over a communication network (Col. 6 line 51- Col. 7 line 5).

Response to Arguments

20. Applicant's arguments with respect to claims 1-3, 7-9 and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. U.S. Patent 6,493,028 by Anderson et al. "Method and system for extending the available image file formats in an image capture device" December 10, 2002. Discloses software extensions to allow multiple image file formats to be viewed on a digital imaging device.

23. U.S. Patent 6,813,618 by Loui et al. "System and method for acquisition of related graphical material in a digital graphics album." November 2, 2004. Discloses the creation of a digital graphics album and focuses on image contents as opposed to image file format.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Lazaro
May 12, 2005


BHARAT BAROT
PRIMARY EXAMINER